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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/081,024	02/21/2002	Michael Wayne Brown	AUS920010848US1	1647

7590
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12/01/2005

EXAMINER

AGDEPPA, HECTOR A

ART UNIT	PAPER NUMBER
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2642

DATE MAILED: 12/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/081,024	Applicant(s) BROWN ET AL.	
	Examiner Hector A. Agdeppa	Art Unit 2642	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 September 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is in response to applicant's amendment filed on 9/14/2005. Claims 1 – 30 are now pending in the present application. **This action is made final.**

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

2. Claims 1, 3 – 6, 8, 10 – 13, 15 – 19, and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 6,160,877 (Tatchell et al.) in view of US 5,915,008 (Dulman).

As to claims 1, 8, 15, and 21 Tatchell et al. teaches a method and associated system for detecting the identity of a caller placing a call to a callee via Calling Line ID (CLID) or name, reading on the claimed detecting an authenticated identity. (Abstract, Col. 3, lines 25 – 44, Col. 4, lines 6 – 12) Tatchell et al. also teaches only attempting to connect the caller to the callee if the identity of the caller is allowed to access the callee according to the caller's schedule. (Abstract, Fig. 5b, Col. 3, lines 33 – 44, Col. 10, lines 40 – 43, Col. 18, line 23 – Col. 20, line 13, Col. 21, lines 9 - 18) Note that there will always be a destination device such as a telephone unit associated with the intended callee or else the callee would be unreachable.

Note that because Tatchell et al. allows for differential call treatment depending on who the caller may be, Tatchell et al. not only uses CLID to compare callers to data associated with callers which is utilized as discussed above, but also, at least indirectly is used to authenticate. If for example, only calls from MOM are to be allowed, then there is a clear authentication aspect related to the comparison of incoming CLID information to a callee's schedule and stored data. (Abstract)

Moreover, Tatchell et al. as discussed above teaches a call screening system, and more importantly, using voice recognition to allow a subscriber or callee to program his/her call disposition, call list(s), as the method of receiving callee name information, etc. (Col. 4, lines 6 – 13, Col. 9, lines 29 – 43, Col. 11, line 49 – Co. 12, line 14, Col. 16, lines 52 – 67, Col. 17, lines 22 – 32 of Tatchell et al.) Therefore, Tatchell et al. would already have the requisite functionality to use voice recognition to identify and/or authenticate a caller and because Tatchell et al. teaches authenticating the subscriber

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so that only a subscriber will have secure access to his / her personal information, authenticating a caller would merely be an obvious design choice geared to making the system more secure on both ends of a call. Such is notoriously old and well known in the art.

What Tatchell et al. does not teach is the use of a packet-switched system for interacting with the scheduling aspect.

Instead, Tatchell et al. teaches using voice recognition over standard telephony lines.

However, Dulman teaches that many times, provisioning telephony services such as those using a schedule, using a telephone is difficult and would be much easier to accomplish provisioning using a computer or similar device via a packet-switched network and secured gateways or servers. (Abstract, Figs. 2 – 5C, Col. 3, line 65 – Col. 4, line 17, Col. 4, line 20 – Col. 6, line 59, Col. 7, lines 4 – 12, Col. 10, line 11 – Col. 21, line 47 of Dulman)

It would have been obvious to utilize packet-switched networks for such provisioning in Tatchell et al. because Dulman, as discussed above, specifically points out that purely telephony-based provisioning is inconvenient, and addresses it. Moreover, Tatchell et al. contemplates some interaction with data or packets in that it can recognize and properly route data calls as opposed to voice calls. (Col. 4, lines 31 – 35, Col. 21, lines 27 – 29 of Tatchell et al.) Therefore, introducing a packet-switched aspect to Tatchell et al. would not completely teach away from Tatchell et al.

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Finally, provisioning a schedule for example, as seen in Tatchell et al. and Dulman, is known in the art to be accomplished by various means and because such means are already known, substituting one for another is merely a design choice that would have been obvious to one of ordinary skill in the art at the time the invention was made.

As to claims 3, 10, and 16, see the rejection of claim 1 and note that Tatchell et al. inherently teaches accessing a schedule or else the callee's preferences would not be known to the system.

As to claims 4 - 6, 11 - 13, and 17 - 19, Tatchell et al. teaches that if the caller, such as the callee's mom is authenticated and allowed to reach the callee, her call is allowed to ring through to the callee. If the caller is not allowed to reach the callee depending on the callee's disposition preferences and/or schedule, the call is not allowed to ring through, but rather sent to voicemail or terminated. (Col. 3, lines 40 – 44, Col. 18, line 38 – Col. 19, line 27)

3. Claims 2 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 6,160,877 (Tatchell et al.) in view of US 5,915,008 (Dulman), and further in view of US 5,651,055 (Argade).

As to claims 2 and 9, Tatchell et al. has been discussed above.

What Tatchell et al. does not teach is authenticating the caller by voice identification.

However, biometric identification, especially voice, is notoriously old and well known in the telephony arts as taught by Argade. (Col. 1, lines 16 – 24 of Argade) It would have been obvious for one of ordinary skill in the art at the time the invention was made to have used voice authentication in the invention of Tatchell et al. inasmuch as Argade teaches that voice authentication is one method of identifying a caller for a call screening system. Likewise, Tatchell et al. as discussed above teaches a call screening system, and more importantly, using voice recognition to allow a subscriber or callee to program his/her call disposition, call list(s), as the method of receiving callee name information, etc. (Col. 4, lines 6 – 13, Col. 9, lines 29 – 43, Col. 11, line 49 – Co. 12, line 14, Col. 16, lines 52 – 67, Col. 17, lines 22 – 32 of Tatchell et al.) Therefore, Tatchell et al. would already have the requisite functionality to use voice recognition to identify and/or authenticate a caller. Moreover, Tatchell et al. merely teaches using another old and well-known alternative means of identification, i.e., CLID. Therefore, substituting one known method of identification for another would be an obvious design choice or preference.

4. Claims 7, 14, 20, and 22 - 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 6,160,877 (Tatchell et al.) in view of US 5,915,008 (Dulman) and further in view of US 2002/0154752 (Carpenter) and/or in view of US 5,289,531 (Levine).

As to claims 7, 14, 20, 26, and 29, Tatchell et al. and Dulman have been discussed above. What they do not teach is outputting a message indicating an

available time to reach the callee, requesting an appointment time, and being added to a schedule for the callee.

However, Carpenter teaches a call screening device wherein a callee can set schedules as to when he/she would like to receive calls, and when he/she would like privacy, including outputting a message indicating when a caller can reach him/her. (Abstract, P. 1, ¶ 0006 – 0007 of Carpenter) Note that because the caller anticipates when he/she can be reached and would receive calls at that time, Carpenter also reads on the claimed anticipated time inasmuch as it is directly associated with any call that would be incoming during the period.

It would have been obvious for one of ordinary skill in the art at the time the invention was made to have combined Carpenter and Tatchell et al. inasmuch as both Tatchell et al. and Carpenter teach call privacy systems and both Tatchell et al. and Carpenter teach outputting certain messages to callers. Therefore, the requisite elements needed for presenting audio messages to a caller are already present in Tatchell et al. and such a feature is merely a convenience and/or courtesy aspect that would only mean a trivial modification to what the system of Tatchell et al. is already capable of doing. Moreover, because Tatchell et al. teaches that a callee can modify and listen to his/her schedule and preferences, presenting a message to a caller regarding available times would simply mean presenting some aspects or instances of the callee's schedule to the caller instead of only the callee.

Interpreted differently, Levine explicitly teaches telephony systems with the ability to schedule appointments and reschedule or adjust appointments based on available

times / time slots, i.e., adding an appointment to a schedule. (Abstract, Col. 10, line 25 - Col. 11, line 47 of Levine)

It would have been obvious for one of ordinary skill in the art at the time the invention was made to have combined Tatchell et al., Carpenter, and/or Levine inasmuch as Levine merely expands on the scheduling aspect of either Tatchell et al. or Carpenter and all the references are telephony-based. Moreover, because Tatchell et al. already teaches differential treatments of different callers such as family members versus telemarketers, and the use of schedules that interwork with such caller preferences, Levine could easily be interworked as well. Not to mention Tatchell et al. teaches the ability to allow a calling party to interact with the subscriber's personal agent. (Col. 10, lines 44 – 67 of Tatchell et al.)

Finally, Tatchell et al. teaches the ability to participate in conference calling as well as set up a conference call. (Col. 26, lines 8 – 11 of Tatchell et al., Col. 26, lines 18 – 19 of related US Patent 5,999,611 (Tatchell et al.)) As is notoriously old and well known in the telephony arts, various systems have long existed allowing conference calls to be scheduled, wherein appointment or conference call times are scheduled and can be modified, compared, utilized with a conference participant's schedule. Therefore, at the least, Tatchell et al. again, contemplates a scenario which could involve the claimed limitations and support any modifications to it regarding the claimed limitations.

Note that the rejection of claim 1 above addresses a callee receiving calls only during allowed periods and Carpenter, as already discussed, teaches the same. Levine

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also teaches setting appointments for specific times and when combined with Tatchell et al. and/or Carpenter, to allow a call to proceed during a time other than the appointment time would run counter to the very purpose of all the references.

As to claim 22, see the rejection of claim 1 and note that Tatchell et al. also teaches grouping certain potential callers according to certain categories, such as calls from the hockey team. A call determined to be from one of a person on the hockey team will likely be about hockey or the hockey team, thus reading on the claimed context. Even if the call were about something else, the categorization would be enough to read on the context as well.

As to claim 23, see the rejection of claims 1 and 22 and note that Tatchell et al. teaches that calls may be prioritized, wherein such prioritization reads on the claimed scheduled event. (Col. 19, lines 12 – 15) Note that on pages 8 – 9 of applicant's specification, a priority level may indicate a scheduled event. Also note that as already discussed above, Tatchell et al. teaches the use of schedules in addition to and in conjunction with desired call dispositions and preferences regarding the routing of calls. Hence, it is inherent that a schedule would be "filtered."

As to claims 24 and 27, see the rejection of claims 1, 7, and 23 and note that a priority setting or rating can be applied to each caller and if that caller meets a certain priority level, the call will be disposed of according to the callee's preferences. Note as well that the above-discussed Mom scenario would read on the claimed caller event, the priority and priority level would read on the claimed rated event, and presenting a next

available time event would be inherent because of the ability to present such information to the caller, i.e., such information could not be presented unless it were an event on the schedule.

As to claims 25, 28, and 30, see the rejection of claims 1, 7, and 24 and note that as already discussed above, Tatchell et al. teaches that a callee may set / schedule any call disposition he/she desires including be able to receive a call from a certain caller at a certain time. For example, as opposed to setting a call disposition to allow a call from Mom at any time, a callee could simply allow for a call from Mom to only go through at or during a specific time or period. Mom has then effectively been scheduled into the callee's schedule.

Response to Arguments

5. Applicant's arguments with respect to claims 1 - 30 have been considered but are moot in view of the new ground(s) of rejection and have also been addressed in the rejection above.

Note that applicant makes mention of claims 30 – 56 in the response, but examiner will assume this was an unintentional error in that examiner is unaware of any claims 31 – 56 pending in this application.

However, for clarification purposes, as to applicant's arguments regarding authentication, no mention is made of "biometric" voice recognition in the claims and as explained above, authentication can be read into Tatchell et al. Moreover, even biometric voice authentication is notoriously old and well known in the art as shown by the cited references below.

As to applicant's arguments regarding the destination device, Tatchell et al. and Dulman explicitly teach that a subscriber may access his/her profile from anywhere in the network. Anywhere in the network would clearly include any destination device. For example, a subscriber could access his/her profile from a telephone device to which he/she has calls forwarded to. Also, applicant proves examiner's contention that any destination device must have some associated callee on P. 21 of applicant's response. Applicant admits that Paragraph 0133 of the specification describes circumstances where a schedule is associated with a destination device, but not a particular callee. This cannot be true. If a schedule is involved, that schedule must be associated with some callee. At least in the scope of this present invention, there would be no purpose for a schedule unless it was a callee's schedule.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. US 5,229,764 (Matchett et al.), US 5,913,196 (Talmor et al.), and US 6,324,271 (Sawyer et al.) all teach using biometric voice authentication over a telephone.

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.


7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hector A. Agdeppa whose telephone number is 571-272-7480. The examiner can normally be reached on Mon thru Fri 9:30am - 6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad F. Matar can be reached on 571-272-7488. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Hector A. Agdeppa
Examiner
Art Unit 2642

H.A.A.
November 18, 2005


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